

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

LUIS BENJAMIN LOPEZ,
#2365229,

Petitioner,

v.

THE STATE OF TEXAS, et al.,

Respondents.

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No. 3:22-CV-0883-X-BT

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE
JUDGE**

The United States Magistrate Judge made findings, conclusions, and a recommendation in this case. [Doc. No. 21]. No objections were filed. The District Court reviewed the proposed findings, conclusions, and recommendation for plain error. Finding none, the Court **ACCEPTS** the Findings, Conclusions, and Recommendation of the United States Magistrate Judge. Accordingly, considering the record in this case and pursuant to Federal Rule of Appellate Procedure 22(b) and Rule 11(a) of the Rules Governing Section 2254 Proceedings in the United States District Court, and 28 U.S.C. § 2253(c), the Court **DENIES** a certificate of appealability. The Court **SEVERES** Lopez's civil claims from this habeas action filed under § 2254 and directs the Clerk of Court to open a new civil rights case (nature of suit 550) for the now-severed claims and file a copy of the Magistrate Judge's recommendation [Doc. No. 21] in that case. The new case should be assigned to the

same District Judge and Magistrate Judge as this habeas case.

IT IS SO ORDERED this 16th day of February, 2023.

A handwritten signature in black ink, appearing to read "Brantley Starr", written over a horizontal line.

BRANTLEY STARR
UNITED STATES DISTRICT JUDGE